

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

TAMMY LEE RIGGS,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-6641

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Claimant's Motion for Judgment on the Pleadings (ECF No. 14) to the extent that the ALJ did not comply with the two-step evaluation of Claimant's symptomology required by Craig v. Chater, deny Defendant's Motion for Judgment on the Pleadings (ECF No. 15), reverse the final decision of the Commissioner, and remand this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Claimant's Motion for Judgment on the Pleadings (ECF

No. 14) to the extent that the ALJ did not comply with the two-step evaluation of Claimant's symptomology required by Craig v. Chater, **DENIES** Defendant's Motion for Judgment on the Pleadings (ECF No. 15), **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: January 25, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE